THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. No.20632 of 1995

Dated: 22.09.2006

Between:

S.P.B. Krishna

… Petitioner

AND

The Additional Industrial Tribunal-cum-
Additional Labour Court,
Chandravihar, Hyderabad & another.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. No.20632 of 1995

ORDER:-

The writ petition is filed questioning the order of the 1st respondent in I.D.No.632 of 1993, dated 28.09.1994, whereunder it is held that the 2nd respondent is justified in removing the petitioner from service.

The petitioner was working as a driver in the 2nd respondent depot and on 20.02.1991 he caused an accident leading to the death of a pillion rider of a two wheeler (Luna). This had resulted in initiation of departmental proceedings against the petitioner, which ended in his removal from service on 14.06.1991. An appeal filed by the petitioner having been dismissed by the order of the appellate authority dated 26.07.1991, the petitioner raised the industrial dispute before the 1st respondent.

The only contention urged on behalf of the petitioner is that since the petitioner was acquitted by a criminal Court of the offence pertaining to the same accident, he is entitled to the benefit of reinstatement. This contention was also urged before the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad, and was rejected, rightly so in my view.

The mere fact of acquittal in a criminal case does not

automatically entitle an employee dismissed/removed following disciplinary proceedings for reinstatement, for the reason that the degree of proof varies between the two proceedings. In the criminal proceedings the proof beyond reasonable doubt is *sine quo non* for conviction of an accused, while in departmental proceedings the preponderance of probabilities is enough to impose punishment on the employee. It is not in dispute that the petitioner was acquitted on a benefit of doubt by the criminal court and that it was not a case of clean acquittal.

Having regard to these facts, I do not see any error in the Award of the 1st respondent in upholding the departmental proceedings removing the petitioner from service.

For these reasons the writ petition fails and is dismissed, but in the circumstances without costs.

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C.V. NAGARJUNA REDDY, J

Date: 22.09.2006
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